

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45914 of 2022

Arising Out of PS. Case No.-536 Year-2021 Thana- SARAIYA District- Muzaffarpur

DASHRATH KUMAR Son of Nagendra Mahto Resident of Village -
Bahorakha, Police Station- Belsaro, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Saraiya P.S. Case No. 536 of 2021 registered for the offences
punishable under Section 392 of the Indian Penal Code,1860.

As per prosecution case, two unknown persons
came on motorcycle and overtook the informant and snatched
the motorcycle and mobile of the informant at gun point.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. The petitioner has been
remanded from Sarai P.S. Case No. 602 of 2021. He further
submits that petitioner is in custody since 21.12.2021 and bears



criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner had been falsely implicated in the present case on the basis of conspiracy and ulterior motive of prosecution as this petitioner has nothing to do with the alleged occurrence. Basically, nothing has been recovered from the conscious possession of the petitioner though there is allegation of recovery of looted motorcycle from the joint possession of the petitioner alongwith others.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-IVth (West) Muzaffarpur in connection with Saraiya P.S. Case No. 536 of 2021, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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